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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/854,321	GROSDIDIER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Anh-Vu H. Ly	2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed January 26, 2007.
2. ☒ The allowed claim(s) is/are 1, 4-5, 7-10, 12-13, 15-17, and 19-20 renumbered as 1-14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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|---|---|
| <ol style="list-style-type: none"><li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li><li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li><li>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date <u>January 26, 2007</u></li><li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li></ol> | <ol style="list-style-type: none"><li>5. <input type="checkbox"/> Notice of Informal Patent Application</li><li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____.</li><li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li><li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li><li>9. <input type="checkbox"/> Other _____.</li></ol> |
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**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Tatiana Rossin on October 10, 2006.

The application has been amended as follows:

***In The Claims***

1. (Currently Amended) A method, comprising measuring packet round trip times within a communication network, organizing numbers of occurrences of the packet round trip time measurements as an invariant distribution; applying an analytical tool to the invariant distribution to derive a plot exhibiting periodic peaks; and extracting information from the periodic peaks to evaluate regarding congestion conditions within the network, wherein the extracting the information to evaluate regarding the congestion conditions includes determining a bandwidth of one or more communication links from the periodic peaks.
10. (Currently Amended) A method, comprising controlling inter-packet transmission times at a node of a communication network according to congestion conditions within the network, the congestion conditions being determining by measurement of packet round trip times within the network; organizing numbers of occurrences of the packet round trip time measurements as an invariant distribution; applying an analytical tool to the invariant distribution to derive a plot

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exhibiting periodic peaks, and extracting a bandwidth information to evaluate regarding one or more congested links within the network from the periodic peaks.

16. (Currently Amended) A method comprising estimating congestion conditions in a communication network from bandwidth bottleneck information obtained through a plot exhibiting periodic peaks, the plot derived from an invariant distribution of numbers of occurrences of measurements of packet round trip times within the network applied with an analytical tool, wherein the bandwidth bottleneck information to evaluate regarding the congestion conditions includes determining a bandwidth of one or more communication links from the periodic peaks.

***Allowable Subject Matter***

2. Claims 1, 4-5, 7-10, 12-13, 15-17, and 19-20 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art does not teach or fairly suggest organizing numbers of occurrences of packet round trip time measurements as an invariant distribution, applying an analytical tool to the invariant distribution to derive a plot exhibiting periodic peaks; extracting information from the periodic peaks to evaluate regarding congestion conditions, wherein the extracted information to evaluate regarding the congestion conditions includes determining a bandwidth of one or more communications links from the periodic peaks, as specified in independent claims 1, 10, and 16.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H. Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

avl

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
2/20/07